

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,
Plaintiff,

VS.

KENNETH D. HLER, et al,
Defendants.

CIVIL No. 1-CK-00

U.S. District Judge K
Magistrate Judge Sm

FILED
HARRISBURG

FEB 28 2001

MARY E. DIANDREA, CLERK
Per 9/8
DEPUTY CLERK

MOTION FOR AN ORDER REQUIRING DEFENDANTS
TO PERMIT THE PLAINTIFF TO COMMUNICATE
WITH AND WRITE INMATE AT SCI-CAMP HILL PRISON
BRIEF IN SUPPORT

COMES NOW, the Plaintiff & P's So Counsel in
above-entitled Civil Action, John Richard Jae, as a Layman
Unlettered in the Arts & Sciences of the Law & Legal Prac
Within the United States & now pursuant to Fed. R.
P. 56(f), files his Motion for An Order Requiring Defendants
To Permit The Plaintiff To Communicate With And Write To
At SCI-Camp Hill Prison & who, avers, deposes & states:-

1. On or About October 17, 2000, Defendants, thru Counsel, filed
their Motion For Summary Judgment and their Statement Of
Undisputed Facts, herein the above-captioned Civil Right

2. On or About December 5, 2000, Defendants, thru Counsel, filed the

3. That, based upon the following facts & arguments as set forth herein, below & infra, as well as based upon the papers & files herein this case, which Plaintiff now hereby incorporates herein by reference herein, all of the same, this Court should, in the interest of fundamental fairness & due process of law, enter an Order Requiring Defendants To Permit The Plaintiff To Communicate With And Write An Inmate At SCI-Camp Hill Prison, herein this case.

BRIEF IN SUPPORT

In their ^{Statement of Undisputed Facts, submitted herein} ~~with their~~ Motion For Summary Judgment, Defendants claim ~~that~~ the Plaintiff has not been prohibited from following the exchange procedure and obtaining any legal or religious books or papers from his stored property.

However, Plaintiff strongly disputes such an averment that such is an out & out "lie" by Defendants herein this case.

Furthermore, Inmate Norman Johnston is an Inmate up at SCI-Camp Hill RHU, who was housed in the RHU and near this Plaintiff during the relevant time periods pertaining to this suit.

Defendants also claim therein their statement of undisputed facts, that, in November and December, 1999, Plaintiff's cell was not excessively hot.

However, Plaintiff strongly disputes such and that such is an out & out "lie" by Defendants, herein this

Defendants also claim therein their Answer, Supplemental Answer to Plaintiff's Complaint, and Supplemental Complaint, as well as in the answers to Plaintiff's First Set of Interrogatories herein this case, that, Plaintiff had an opportunity to receive his other religious material in November 1999, but he did not request such, and that Defendant Rubendall & Rager did not deny him his legal and religious materials in April & May, 2000.

However, Plaintiff strongly disputes such & avers that such is an out & out "lie" by Defendants, herein this

Plaintiff Jare therefore needs to obtain an Affidavit from SCI-Camp Hill RHU Inmate Norman Johnston to attach as an exhibit/evidence to his Brief In Opposition To Defendants' Motion For Summary Judgment And Memorandum Of Law To Support this case, however, the policy of the Pennsylvania Department of Corrections prohibits inmates from corresponding with inmates and therefore, the Plaintiff needs & requests an order from the court ordering Defendant Dragovich to allow the Plaintiff to send an Affidavit to SCI-Camp Hill RHU Inmate Norman Johnston and allowing Norman Johnston to sign & return such Affidavit to this Plaintiff at which ever prison that the Plaintiff is confined in at such time, herein this case.

That, given the foregoing, herein, it would be an unfair & prejudicial manifest miscarriage of justice and an unconstitutional denial of due process of law for this court to deny this Motion as without such requested order this Plaintiff "will" be unable to obtain such Affidavit from Norman Johnston & thus "will" be illegally denied relevant evidence which he needs to combat & oppose the "lies" & disguised facts of Defendants' Motion For Summary

That, this believes that this court has the authority under & pursuant to Fed. R. Cr. P. 54 to enter this Requested order, herein.

(W) HEREOFRE, based upon the above facts & arguments, herein, Plaintiff John Richard JAE plays that this court will grant this Motion to enter an order requiring Defendants to permit Plaintiff to communicate with an inmate in SCI - Camp Hill Prison, herein this case.

AND HE SHALL EVER FAITHFULLY
RESPECTFULLY SUBMITTED

(s) John Richard JAE
MR. JOHN RICHARD JAE
#BQ-3219
SCI - PITTSBURGH
P.O. Box 99901
Pittsburgh, PA-15233-0001

Dated: 15th FEBRUARY 2001:

Plaintiff and Pro Se Counsel